

RECORDS MANAGEMENT POLICY

University Policy No: IM7700
Classification: Information Management
Approving authority: Board of Governors
Effective date: January 1, 2010
Supersedes: New
Last editorial change:
Mandated review: January, 2017

Associated Procedures:

[Procedures for the Management of University Records](#)
[Procedures for the Access to and Correction of Information](#)
[Fair Dealing Guidelines](#)

PURPOSE

- 1.00 The purpose of this policy is to:
- ensure that university Records are created, used, disposed of and preserved in a systematic manner, compliant with relevant legislation;
 - ensure that Access is provided to Records in compliance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*; and
 - define authorities, responsibilities, and accountabilities for Records Management.

DEFINITIONS

- 2.00 **Access** includes both disclosure of Records under *FIPPA* as a result of a request, and routine release of Records that contain information that is available to the public or to an individual.
- 3.00 **Administrative Authority** means individuals with administrative responsibility for Units including but not limited to: Vice-Presidents, Deans, Chairs, Directors, Executive Directors, Chief Information Officer, and other Unit heads.
- 4.00 **Disposition** means disposal of Records no longer needed for day-to-day operations by a Unit, through destruction, secure destruction, or transfer to the university archives.
- 5.00 **Records** means documents created or received, and retained in the day-to-day operations of business. These include, but are not limited to, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.
- 6.00 **Records Management** means the application of systematic control to the creation, use, maintenance, storage, retrieval, Disposition, and preservation of all forms of recorded information produced by the university in the conduct of its operations.

7.00 **Unit** means academic or administrative areas at the university, including but not limited to: faculties, departments, divisions, offices, schools and centres.

Jurisdiction/Scope

8.00 This policy applies to all Records in the custody or under the control of the university and to the management of Records by all Units.

POLICY

9.00 The university will manage Records in order to meet its business, fiscal, and legal requirements.

Roles and Responsibilities

10.00 The University Archivist is responsible for:

- maintenance of the university's Records Management program, including the university-wide Records classification, retention and Disposition plan;
- developing Records Management policy and procedures, and providing standards and guidelines to assist Units in the implementation of Records Management; and
- providing Access to university Records selected for permanent retention.

10.01 University Archives staff will assist Units with Records Management.

11.00 Administrative Authorities are responsible for making a reasonable effort to ensure that:

- Records in their Unit are managed according to this policy and related procedures;
- employees in their Unit manage Records according to this policy and related procedures;
- Records containing personal or confidential information are protected from unauthorized Access and disclosure, in accordance with the Protection of Privacy Policy (GV0235) and the Information Security Policy (IM7800) and related procedures.

12.00 When leaving a position, a university employee must ensure that university Records are left in the custody or under the control of the university.

13.00 The University Records Management Committee advises the President on policies, procedures, strategies and guidelines needed to:

- establish and maintain a university-wide framework to manage university Records;
- meet the university's business, legal and fiscal requirements; and
- ensure preservation of the university's corporate memory through selecting Records for permanent retention.

14.00 Any Records that are under the custody or in the control of the university as a result of the terms of a contract must be managed according to this policy, the Protection of Privacy Policy (GV0235), and the Information Security Policy (IM7800).

Creation

15.00 Records are created by Units in order to carry out the university's business and perform necessary transactions. Units are expected to use the university-wide classification plan to classify Records, thereby enabling effective retention and Disposition.

Access

- 16.00 The university is committed to providing Access through routine release of Records where possible.
- 17.00 Access to Records not covered by routine release is governed by the university's Access to and Correction of Information procedure.

Disposition

- 18.00 Records scheduled for Disposition containing personal or confidential information and identified as having no long-term value must be destroyed in a secure and permanent manner.
- 19.00 Records that will be kept permanently by the university will be held by and preserved for Access as determined by the University Archivist.
- 20.00 When the university retains an external organization to undertake work on its behalf, and that work involves the Disposition of Records, including those containing Personal Information, the university will enter into an agreement with that organization that requires the organization to destroy those Records in a secure and permanent manner.
- 21.00 Records scheduled for Disposition must not be Disposed of when such Records are:
- identified in current or pending litigation;
 - responsive to a request made under *FIPPA*;
 - the subject of an audit; or
 - identified in quasi-judicial and legal proceedings.

Authorities and Officers

- i) Approving Authority: Board of Governors
ii) Designated Executive Officer: President
iii) Procedural Authorities: *Refer to individual procedures*
iv) Procedural Officers: *Refer to individual procedures*

Relevant Legislation

Freedom of Information and Protection of Privacy Act
University Act
Limitations Act

Related Policies and Documents

Associated Records Management Procedures

- Procedures for the Management of University Records
- Procedures for the Access to and Correction of Information
- Procedures for the Secure Destruction of Classified University Information (under development)

Protection of Privacy Policy (GV0235) and associated procedures

- Procedures for the Disclosure of Personal Information in Emergency or Compelling Circumstances

- Procedures for the Management of University Surveillance Systems
- Procedures for Responding to a Privacy Incident or Privacy Breach
- Privacy Protection Schedule

Information Security Policy (IM7800)

PROCEDURES FOR THE MANAGEMENT OF UNIVERSITY RECORDS

Procedural Authority: University Secretary
Procedural Officer: University Archivist
Parent Policy: Records Management Policy (IM7700)

Effective Date: January, 2010
Supersedes: New
Last Editorial Change:

PURPOSE

- 1.00 The purpose of these procedures is to assist Units in making reasonable efforts to create, use, maintain and dispose of university Records, whether in paper, electronic, audio-visual or other format, in a manner that:
- complies with the *Freedom of Information and Protection of Privacy Act (FIPPA)* and other pertinent legislation; and
 - is consistent with the university's Records Management (IM7700), Protection of Privacy (GV0235) and Information Security (IM7800) policies and the Directory of Records.

DEFINITIONS

- 2.00 The definitions contained in the university's Records Management policy (IM7700) apply to these procedures.
- 3.00 **Active Records** are Records that are maintained and used by a Unit or Units for current business.
- 4.00 **Directory of Records** is the university-wide classification, retention and Disposition plan that arranges Records according to the functions of the university and identifies these functional groups by a block-numeric system for the efficient access, retrieval and Disposition of Records.
- 5.00 **Inactive Records** are Records that are no longer needed for current business.
- 6.00 **Primary Office** is an office or offices responsible for keeping the original and/or official versions of Records, and responsible for carrying out the approved Disposition of such Records.
- 7.00 **Retention Rules** are the instructions in the Directory of Records to Primary and Secondary Offices regarding the length of time for which records should be kept.
- 8.00 **Secondary Office** is an office or offices which may hold duplicate copies of university Records that are to be maintained for shorter retention periods than original and/or official versions of Records.
- 9.00 **Semi-active Records** are Records that are required infrequently for current business.

- 10.00 **Series** is a group of Records relating to a particular function, resulting from the same activity, or having a particular form. Within the Directory of Records functions, Records are arranged in Series.
- 11.00 **Transitory Records** are Records of temporary usefulness, required only for a limited period of time for the completion of a routine action or the preparation of an ongoing Record. Transitory Records do not include those Records required to meet statutory obligations, or to sustain administrative or operational functions. Transitory Records may include drafts, notes, calculations, and superseded documents.
- 12.00 **Vital Records** are Records that are necessary to re-establish or continue the business of the university in the event of a disaster, including those that are necessary to re-create the university's legal and financial position, necessary to preserve the rights of the university, its students and employees, and others associated with the university.

PROCEDURES

Classifying and Managing Active and Semi-Active Records

- 13.00 Units should consult the Directory of Records in order to classify university Records for which they are responsible and identify the:
- function to which the file or single document relates;
 - appropriate functional section from the Directory of Records (e.g., Financial Management, Human Resources, etc);
 - appropriate series by considering the action, content and source of the document; and
 - primary and secondary number.
- Units should consult university archives staff for Unit-specific advice on records classification.
- 14.00 Unit staff are expected to identify whether the Unit has any Vital Records and set procedures to give Vital Records the protection they require in case of disaster (the Directory of Records identifies Vital Records). The Primary Office, as identified on the Retention Rules, is responsible for ensuring the protection of Vital Records.
- 15.00 Unit staff are expected to identify the classification levels of the information and Records in the Unit for security purposes in accordance with the university's Information Security Classification Procedures (forthcoming).
- 16.00 Units should remove or delete Transitory Records from files when such documents are no longer needed for reference.
- 16.01 Units should remove or delete non-record materials when they are no longer required for reference by a Unit. Non-record materials include but are not limited to:
- published material such as books, pamphlets, circulars, newsletters, brochures, catalogues, and other information created for informational or reference purposes; and

- excess stock of forms.

Storage of Semi-Active Records

17.00 Units are responsible for storage of their own Semi-Active Records.

17.01 The university archives does not provide storage for Semi-Active Records.

Disposition of Inactive Records

18.00 Records transferred to the university archives are deemed Inactive Records that are either:

- specified by the Retention Rules for transfer to the university archives; or
- identified as having long-term legal, administrative or historical value by the University Archivist (or designate), in consultation with the respective Unit staff.

19.00 Unit offices identified as Primary Offices for particular Record series are responsible for disposing of Inactive Records (whether in paper, electronic, audio-visual or other format) in accordance with the Directory of Records using the following forms:

- Record of Transfer Form (for transferring records to the university archives);
- Approved Retention Rule Form (for records with completed Retention Rules); or
- Unscheduled Records Disposition Form (for records with incomplete Retention Rules).

19.01 Some series and sections in the Directory of Records have Retention Rules which are not yet approved. Incomplete retention rules do not preclude authorized Disposition. In these cases, contact the University Archives for retention advice.

19.02 Refer to the university's Procedures for the Secure Destruction of University Information (forthcoming) for direction regarding acceptable forms of secure Records destruction.

20.00 In the case of a Secondary Office with copies of Records, such Records may be destroyed or deleted as specified for "other offices" in the approved Retention Rules, or when they are no longer useful to the Secondary Office.

Transfer of Records to University Archives

21.00 When a Unit seeks to transfer Records to the University Archives, it must contact the:

- University Archives before sending any Records to ensure that only Records with archival value are transferred; and
- University Archivist directly if the Records intended for transfer are in electronic form only.

21.01 The University Archivist or Associate Archivist will provide further direction regarding the transfer of Records to the university archives.

Access to Records Transferred to the University Archives

22.00 Primary Offices may access their archival Records transferred to the university archives without restriction.

23.00 University Records transferred to the archives are arranged and described according to archival principles, are listed in publicly available databases, and are available for Access to the public unless Access is restricted by *FIPPA*.

RELEVANT LEGISLATION

Freedom of Information and Protection of Privacy Act

Federal and Provincial legislation pertinent to specific Units and Records

RELATED POLICIES AND DOCUMENTS

Protection of Privacy Policy

- Procedures for the Management of Personal Information

Records Management Policy

- Procedures for Access to and Correction of Information
- Procedures for the Secure Destruction of University Information (under development)

Information Security Policy

- University Information Security Classification Procedures (under development)

PROCEDURES FOR ACCESS TO AND CORRECTION OF INFORMATION

Procedural Authority: University Secretary
Procedural Officer: University Archivist
Parent Policy: Records Management

Effective Date: January, 2010
Last Editorial Change:

PURPOSE

- 1.00 The purpose of these procedures is to set out how the university will manage:
- freedom of information requests;
 - requests for correction of Personal Information in the university's custody or control;
 - requests to access Records in the university archives;
- in accordance with the *Freedom of Information and Protection of Privacy Act* (FIPPA), and where appropriate, the *Personal Information Protection Act*.

DEFINITIONS

- 2.00 The definitions contained within the university's Records Management (IM7700) and Protection of Privacy (GV0235) policies apply to these procedures.

PROCEDURES

RESPONDING TO REQUESTS FOR INFORMATION

- Informal or Potential Freedom of Information Access Requests
- 3.00 When an individual contacts a Unit seeking Access to his or her Personal Information or access to a Record in the custody or under the control of the university, the Unit's Administrative Authority (or designate) will assess whether the individual is seeking Access to:
- (a) his or her Personal Information (e.g., the individual's file or a specific Record pertaining to that individual) only; or
 - (b) a university Record on a particular subject.
- 3.01 If the individual is seeking access to his or her Personal Information, after confirming the individual's identity, the Unit may disclose the information to the individual if that information can be disclosed routinely. This is considered an informal Access request.
- 3.02 If the Record(s) that the individual is seeking contains information about other individuals or was created with an expectation of confidentiality, the Unit will ask the individual to make a formal freedom of information request (FOI Access Request).

3.03 If the individual is seeking Access to university Records on a particular subject, the Unit may disclose the information to the individual if that information can be disclosed routinely. This is considered an informal Access request.

(a) If the Records contain information that the Unit believes is confidential (such that the information may be subject to exceptions in *FIPPA*), the Unit will ask the individual to make an FOI Access Request.

4.00 Informal access requests will be processed as quickly as possible.

Receiving a Freedom of Information Access Request

5.00 In accordance with *FIPPA*, FOI Access Requests must be made in writing. Units shall ask the individual to make a formal written request in one of the following ways:

(a) by completing and submitting the FOI Access Request form available on the University Secretary's website or in person at the University Secretary's Office; or

(b) by writing a letter that specifies the information the individual is seeking and providing a contact address.

6.00 FOI Access Requests for general university information may be made by e-mail to the University Secretary's Office. However, requests for Personal Information must be made with the FOI Access Request form (signature required) or by submitting a signed letter. The University Secretary's Office will require confirmation of an applicant's identity prior to the release of any Personal Information in response to an FOI Access Request.

7.00 If a Unit receives an FOI Access Request, the Unit will forward it to the University Secretary's Office.

8.00 Records or information responsive to a request must not be destroyed after a request has been received.

9.00 Employees must treat, in a confidential manner, individuals' requests for Access to their own information and all FOI Access requests. Information about access requests is to be used only to the extent necessary to respond to a request. Applicants shall not be asked the reason(s) for which they have requested the information or Record(s). If in doubt, contact the University Secretary's Office.

Processing a Freedom of Information Access Request – Unit Responsibilities

10.00 Upon receiving an FOI Access Request, the University Secretary's Office will ask the Unit(s) to provide Records responsive to that request. Units are then responsible for:

(a) Making one single-sided copy of the requested Records (if any information has to be severed from Records, this must be from single-sided pages)

(b) Printing a single-sided copy of any electronic Records, including e-mails

(c) Ensuring that Records are maintained in file order

- (d) Making arrangements with the University Secretary's Office for in-person pick up or delivery of materials while ensuring that security and confidentiality are maintained; and
 - (e) Advising the University Secretary's Office of any other Unit(s) that may hold responsive Records.
- 11.00 If necessary, the Unit producing the Records will be contacted to answer any follow-up questions. The University Secretary's Office will handle all further correspondence with the applicant.
- 12.00 FOI Access Requests must normally be processed within thirty (30) working days of their receipt, unless otherwise authorized by *FIPPA* and as determined by the University Secretary.
- 13.00 The university may consult with third parties in limited circumstances, in accordance with *FIPPA*, if Records contain information about such parties. The University Secretary's office will manage consultations with third parties subject to an FOI Access Request.
- 14.00 The university may charge fees for FOI Access Requests made for general information in accordance with *FIPPA*. No fees can be charged for FOI Access Requests for an individual's own information. In some cases, a Unit may be asked by the University Secretary's Office to estimate the number of hours (less an initial three hours) required to locate, retrieve and produce the Records, and provide an estimate of the number of responsive pages. The University Secretary's Office will inform the applicant of the fee estimate where applicable.

CORRECTION OF PERSONAL INFORMATION

- 15.00 An individual who believes there is an error or omission in his or her factual Personal Information in the custody or under the control of the university may request that the university correct that information.
- 16.00 When an individual contacts a Unit to request a correction to his or her personal information, Unit staff, as authorized by the Unit's Administrative Authority will assess if the individual is able to make the change through the university's online self-service portal. Personal Information that may be changed through the self-service portal includes: updates to phone numbers and addresses, additional e-mail addresses, and updates to emergency contact information.
- (a) If the information cannot be changed by the individual through the online self-service portal, the Unit will inform the individual of the steps required to correct the factual personal information, including the provision of appropriate documentation.
- 17.00 If the steps set out in section 16.00 do not resolve the matter, the Unit will ask the individual to make his or her correction request by one of the following means:

- (a) by completing and submitting the correction request form available on the University Secretary's website or in person at the University Secretary's office;
 - (b) by writing a letter that specifies the correction they are seeking, the location of the information (Unit responsible), a description of the information, the reasons for the correction and the individual's contact address; or
 - (c) by procedures established by the Registrar.
- 18.00 The university will process the request and determine if the correction will be made, and the University Secretary's Office or the Office of the Registrar will notify the individual in writing.
- 19.00 If the request is approved, the appropriate Unit will replace the information with the correct information in a timely manner.
- 20.00 If the request is denied, the appropriate Unit will annotate the information with the correction requested, in accordance with *FIPPA*.
- 21.00 Evaluative comments or assessments and opinions about individuals may, on request, be annotated but not corrected. Concerns regarding such information may be pursued through academic or Human Resources' channels.
- 22.00 If the University Secretary determines that a correction will be made to an individual's information, any other public body or any third-party to whom that information has been disclosed during the one year period before the correction was requested will be notified of the correction.

ACCESS TO RECORDS IN THE UNIVERSITY ARCHIVES

- 23.00 In accordance with *FIPPA*, the university archives may disclose Personal Information in university Records for archival or historical purposes.
- 23.01 Archival descriptions of university Records, also known as finding aids, will specify whether Records must be reviewed for any exceptions to disclosure under *FIPPA* prior to use of the Records.
- 24.00 The *Personal Information Protection Act (PIPA)* applies to records donated to the university archives by individuals and organizations and permits disclosure for archival or historical purposes.

The Associate Archivist or University Archivist will review records for Personal Information prior to Access by a person and apply *PIPA* including, if necessary, a research agreement regarding disclosure.

Archives Access Procedures

- 25.00 To access records in the university archives, an individual may contact the archives and identify the accession number and file titles of the Records that are required (located in the finding aid).

26.00 The University Archivist or Associate Archivist will review the file.

(a) If Records containing information that may be subject to exceptions from disclosure can reasonably be removed from the file, the remainder of the file will be provided to the individual requesting access, as mutually agreed.

(b) If an individual requests Access to information that may be subject to exceptions from disclosure, the University Archivist or Associate Archivist will ask the individual to make a FOI Access Request.

(c) If an individual requests Access to a large body of Personal Information that may be subject to exceptions from disclosure, the University Archivist or Associate Archivist will discuss the use of a research agreement with the individual.

Research Agreements

27.00 Some university Records have Access restrictions. In accordance with *FIPPA*, the university may allow access to Records containing Personal Information for statistical and research use through the signing of a research agreement between the university and an applicant governing the conditions of Access and use.

RELEVANT LEGISLATION

Freedom of Information and Protection of Privacy Act
Personal Information Protection Act

RELATED POLICIES AND DOCUMENTS

Protection of Privacy Policy (GV0235)

- Procedures for the Management of Personal Information

Records Management Policy

- Procedures for the Management of University Records

Information Security Policy

- University Information Security Classification Procedures (Under Development)

FAIR DEALING GUIDELINES

Approving authority: University Secretary
Effective date: June 2011
Supersedes:
Last Editorial Change:
Next review:

I. Copying

- 1.00 Except where otherwise stated, these guidelines apply to a university making a single copy from a work protected by copyright for the purposes of research, private study, review, criticism or news reporting in circumstances in which the consent of the owner of copyright has not been secured and is not required by reason of the fair dealing exception in the Copyright Act. Permission from a copyright holder may be required where the copy falls outside of these guidelines.
- 2.00 Single copies that are permitted to be made pursuant to this policy must be made only from publications in which copyright subsists, such as, books, journals and other periodical publications, newspapers and magazines ("Published Works"). A copy may only be made from a lawful copy of the work in the possession of the university, and if the lawful copy is in electronic form, there is no restriction against making a copy under the contractual terms relating to the Published Work.
- 3.00 No copying may exceed 10 per cent of a Published Work, other than a textbook produced primarily for the post secondary education market, or the following, whichever is greater:
- (a) an entire chapter from a book provided that it does not exceed 20 per cent of the book;
 - (b) an entire article from a periodical publication;
 - (c) an entire short story, play, poem or essay from a book or periodical publication;
 - (d) an entire entry from an encyclopedia, dictionary, annotated bibliography or similar reference book;
 - (e) an entire reproduction of an artistic work from a book or periodical publication;
- and
- (f) a single musical score from a book or periodical publication.
- 4.00 No copying may exceed 5 per cent of a textbook produced primarily for the post secondary education market, or the following, whichever is greater:
- (a) an entire chapter from a textbook provided that it does not exceed 10 per cent of the textbook;

- (b) an entire short story, play, poem or essay from the textbook provided that it does not exceed 10 per cent of the textbook; and
 - (c) an entire reproduction of an artistic work or a single musical score from the textbook provided that it does not exceed 10 per cent of the textbook.
- 5.00 Notwithstanding any of the other provisions of these guidelines, no copies may be made of the following:
- (a) any of the works referred to in paragraphs 3(b) to 3(f) of these guidelines where the publication containing the work does not contain other works. For example, no copy may be made of a play from a publication containing the play but no other work;
 - (b) unpublished works, subject to the provisions of paragraph 10 below;
 - (c) proprietary workbooks, work cards, assignment sheets, tests and examination papers;
 - (d) instruction manuals;
 - (e) newsletters with restricted circulation intended to be restricted to a fee paying clientele; or
 - (f) business cases which are made available for purchase.
- 6.00 Each paper copy made pursuant to Parts II, III and IV of these guidelines shall contain, on at least one page, the name of the author or artist (where known), the title of the publication from which the copy was made, the name of the publisher of that publication and the following statement:
- This copy is made solely for the use by a student, staff member, faculty member or library patron for research, private study, review, criticism or news reporting. Any other use may be an infringement of copyright if done without securing the permission of the copyright owner.
- 7.00 Each electronic copy made pursuant to Parts II, III and IV of these guideline shall have the information and statement referred to in paragraph 6 on at least one page, except for an electronic copy made available from a server pursuant to these guidelines, where that information and statement could instead be associated with the copy such that notice of that information and statement would come to the attention of the person who accesses the copy.
- 8.00 If a fee is charged for making a copy the fee is set no more than an amount representing a reasonable approximation of the actual cost of making and delivering the copy.
- 9.00 University staff shall use reasonable efforts to guard against systematic, cumulative copying from the same work which in total exceeds the portion of the work that may be copied pursuant to these guidelines and to ensure that the number of copies made complies with this policy. If university staff suspects that a student, other staff member or faculty member is engaged in systematic, cumulative copying, the matter must be referred to the [university staff member](#) responsible for administering this policy or his or her delegate for review, and any further requests from that student, staff member or faculty member for a copy may be refused.

- 10.00 Requests for the making of copies which fall outside these copying guidelines and requests for making of copies of unpublished works may be referred to the [university staff member](#) responsible for administering this policy or to his or her delegate for evaluation. A determination will be made as to whether the proposed copies are permissible in all the circumstances relating to the requests and may ultimately be refused. The evaluation will examine all relevant circumstances, including:
- (a) the purpose of the proposed copying, including whether it is for research, private study, review, criticism or news reporting;
 - (b) the character of the proposed copying, including whether it involves single or multiple copies, and whether the copy is destroyed after it is used for its specific intended purpose;
 - (c) the amount or proportion of the work which is proposed to be copied and the importance of that work;
 - (d) alternatives to copying the work, including whether there is a non-copyrighted equivalent available;
 - (e) the nature of the work, including whether it is published or unpublished; and
 - (f) the effect of the copying on the work, including whether the copy will compete with the commercial market of the original work.

II. Interlibrary Loan

- 11.00 This policy on interlibrary loan applies to a loan from one university library in Canada at the request of another university library in Canada for delivery to that library or for transmission to a student, staff member or faculty member of that other university. This policy does not apply to a loan from a university library to a public or commercial library or to a library located outside of Canada. Depending on the circumstances surrounding the request for the loan, this policy may apply by analogy. Specific consideration of all the circumstances would have to be given to determine whether this policy would apply by analogy.¹

Paper Copies

- 12.00 A single copy may be made onto paper pursuant to the Copying Guidelines for interlibrary loan, subject to the following safeguards:
- (a) the library making the copy has received written confirmation in paper or electronic form from the library requesting the copy or from the patron of that library that the patron requires the copy for research, private study, review, criticism or news reporting, and that the patron is a student, staff member or faculty member of the university requesting the copy;
 - (b) where the patron requires the copy for review, criticism or news reporting, the library making the copy advises that, in using the copy for any of those purposes, the patron mentions:
 - (i) the source; and

¹ This policy has been written to clarify fair dealing for access to university library resources. Fair dealing, of course, has wider application and is legitimately and reasonably called upon in other contexts and circumstances. While this particular policy does not specifically address all such circumstances it can, as noted in clause 11 of the policy, apply by analogy in certain situations. It is not unreasonable to expect for example that, subject to a consideration of the facts, fair dealing would apply in the context of an interlibrary loan request from a local public library to a university library.

- (ii) if given in the source, the name of the author of the work; and
- (c) where the purpose of making the paper copy is to use it to make an electronic copy for use in interlibrary loan, the paper copy is promptly destroyed after the electronic copy is made.

Electronic Copies

- 13.00 A single copy may be made in electronic form pursuant to the Copying Guidelines for interlibrary loan and may be transmitted to the library requesting the copy using Ariel or similar technology, subject to the following safeguards:
- (a) the library making the copy has received written confirmation in paper or electronic form from the library requesting the copy that the patron of that library requires the copy for research, private study, review, criticism or news reporting, that the patron requiring the copy is a student, staff member or faculty member of the university requesting the copy, and that once that library received the electronic copy and makes a copy onto paper it will delete the electronic copy;
 - (b) where the patron requires the copy for review, criticism or news reporting, the library making the copy advises that, in using the copy for any of those purposes, the patron mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work;
 - (c) the library making the copy has received written acknowledgement from the library requesting the copy that it will only use the electronic copy transmitted to it for the purpose of making a copy onto paper for the patron of that library that required the copy and will delete the electronic copy once it has furnished the paper copy to its patron; and
 - (d) the Ariel or similar technology used to transmit the copy is set or configured so that the copy is deleted once the transmission is completed.
- 14.00 A single copy may be made in electronic form pursuant to the Copying Guidelines for interlibrary loan and may be transmitted to a patron of the library requesting the copy in electronic form by desktop delivery, subject to the following safeguards:
- (a) the library making the copy has received written confirmation in paper or electronic form from the library requesting the copy that the patron of that library is a student, staff member or faculty member of the university requesting the copy;
 - (b) where the patron requires the copy for review, criticism or news reporting, the library making the copy advises the patron of the library requesting the copy that, in using the copy for any of those purposes, the patron mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work;
 - (c) the library making the copy has, before transmitting the copy, received written confirmation in paper or electronic form from the patron of the library requesting the copy that the patron requires the copy for research, private study, review, criticism or news reporting, that the patron will only use that copy for research, private study, review, criticism or news reporting, and that the patron will not transmit the copy to any third party;
 - (d) the electronic copy is made available to the patron requesting the copy either by email sent directly to the patron, or from a secure server protected by a technological

protection measure that ensures that the copy is only made available to the patron requesting the copy;

(e) the electronic copy is transmitted to the patron requesting the copy in PDF format or a similar format that restricts the copy from being altered by the patron; and

(f) if transmitting the copy by email, the library deletes its sent email once the email has been transmitted, and if making the copy available from a secure server, the library deletes the copy stored on its server once the patron requesting the copy has downloaded one copy from the server and is not transmitted to another patron requesting a copy.

III. University Library Reserve

- 15.00 This policy applies to paper copies made by a staff or faculty member for library reserve, and to electronic copies made by a staff member of the university library or other administrative unit from Published Works for a student of the university. This policy does not permit the making of electronic copies for library reserve by a faculty member who is a course instructor.

Paper Copies

- 16.00 One paper copy for each 30 students in a course of instruction up to a maximum of 3 may be made onto paper pursuant to the Copying Guidelines for library reserve, subject to the following safeguards:

(a) the paper copies are made by or at the request of a faculty member in respect of a specific course of instruction offered by the university;

(b) the paper copies are made as an optional and supplementary source of information for students and must be a small proportion (no more than 25 per cent) of the required reading for a particular course, and the university library has received, from the faculty member requesting the copies, a written acknowledgement in paper or electronic form confirming that the copies are intended as an optional and supplementary source of information for students and that the copies amount to no more than 25 per cent of the required reading for the course;

*** Exceptions*

(c) the use of library reserve must not substitute for the purchase of books, course packs or other published materials;

(d) prior to loaning the paper copy to a student, the library has received from the student a written acknowledgement in paper or electronic form that he or she is a student enrolled in a course of instruction at the university, that the student requires the copy for research, private study, review, criticism or news reporting, and that the student will not use the copy for any other purposes;

(e) where the student requires the copy for review, criticism or news reporting, the library advises the student that, in using the copy for any of those purposes, the student mentions:

(i) the source; and

(ii) if given in the source, the name of the author of the work;

(f) the paper copy is loaned to the student for a period of limited duration;

(g) the paper copy is destroyed within a reasonable time once the course of instruction or series of courses it pertains to comes to an end; and

(h) where the purpose of making the paper copy is to use it to make an electronic copy for library reserve, the paper copy is promptly destroyed after the electronic copy is made.

Electronic Copies

17.00 A single copy in electronic form may be made available to a student for library reserve from a university server pursuant to the Copying Guidelines, subject to the following safeguards:

(a) the electronic copy is made at the request of a faculty member in respect of a specific course of instruction offered by the university;

(b) the electronic copy is made as an optional and supplementary source of information for students and must be a small proportion (no more than 25 per cent) of the required reading for a particular course, and the university library has received, from the faculty member requesting the copies, written acknowledgement in paper or electronic form confirming that the copies are intended as an optional and supplementary source of information for students and that the copies amount to no more than 25 per cent of the required reading for the course;

*** Exceptions*

(c) the use of library reserve must not substitute for the purchase of books, course packs or other published materials;

(d) prior to providing a student with access to the electronic copy, the library has received from the student a written acknowledgement in paper or electronic form that he or she is a student enrolled in the course of instruction at the university for which the copy was made, that the student requires the copy for research, private study, review, criticism or news reporting, that the student will not use the copy for any other purpose, that the student will not transmit the copy to any third party and that the student will only print out one paper copy from the electronic copy;

(e) the electronic copy is made available to the student from a secure server protected by a technological protection measure that ensures that the copy is only made available to the students enrolled in the course of instruction for which the copy was made;

(f) the electronic copy is made available to the student on a read-only basis in PDF format or a similar format that prevents the copy from being altered by the student; and

(g) the electronic copy made by the university is deleted once the course of instruction or the series of courses it pertains to has come to an end.

IV. Document Delivery

18.00 This policy on document delivery applies to copies made by the university library from Published Works for a patron of the library.

Paper Copies

19.00 A single copy may be made onto paper pursuant to the Copying Guidelines for document delivery for a patron of the university library who is a student, staff member or faculty member of the university, subject to the following safeguards:

(a) the library has received written confirmation in paper or electronic form from the patron that is a student, staff member or faculty member of the university, and that the patron requires the copy for research, private study, review, criticism or news reporting;

(b) where the student requires the copy for review, criticism or news reporting, the library advises the student that, in using the copy for any of those purposes, the student mentions:

(i) the source; and

(ii) if given in the source, the name of the author of the work; and

(c) where the purpose of making the paper copy is to use it to make an electronic copy to provide to the patron, the paper copy is promptly destroyed after the electronic copy is made.

20.00 A single copy may be made onto paper pursuant to the Copying Guideline for document delivery, for a patron who is not a student, staff member or faculty member of the university, subject to the following safeguards:

(a) the library has permitted the patron to have access to its premises and the patron requests the copy while on the premises of the library;

(b) the library has received written confirmation in paper or electronic form from the patron that the patron requires the copy for research, private study, review, criticism or news reporting; and

(c) where the patron requires the copy for review, criticism or news reporting, the library advises the patron that, in using the copy for any of those purposes, the patron mentions:

(i) the source; and

(ii) if given in the source, the name of the author of the work.

Electronic Copies

21.00 A single copy may be made in electronic form pursuant to the Copying Guidelines for document delivery for a patron of the university library, subject to the following safeguards:

(a) the library has received written confirmation in paper or electronic form from the patron that the patron is a student, staff member or faculty member of the university, that the patron requires the copy for research, private study, review, criticism or news reporting, that the patron will only use that copy for research, private study, review, criticism or news reporting, and that the patron will not transmit the copy to any third party;

(b) where the patron requires the copy for review, criticism or news reporting, the library advises the patron that, in using the copy for any of those purposes, the patron mentions:

(i) the source; and

(ii) if given in the source, the name of the author of the work;

(c) the electronic copy is made available to the patron requesting the copy either by email sent directly to the patron, or from a secure server protected by a technological protection measure that ensures that the copy is only made available to the patron requesting the copy;

(d) the electronic copy is transmitted to the patron requesting the copy in PDF format or a similar format that restricts the copy from being altered by the patron; and

(e) if transmitting the copy by email, the library deletes its sent email once the email has been transmitted, and if making the copy available from a secure server, the library deletes the copy stored on its server once the patron requesting the copy has downloaded one copy from the server.

V. Faculty Member Fair Dealing

- 22.00 This policy on faculty fair dealing applies to paper and electronic copies made from Published Works by a faculty member, or by a staff member of the university for a faculty member.

Paper Copies

- 23.00 A single copy may be made by a faculty member pursuant to the Copying Guidelines, subject to the following safeguards:
- (a) the faculty member requires the copy for the faculty member's personal research, private study, review, criticism or news reporting; and
 - (b) where the faculty member uses the paper copy for review, criticism or news reporting, the faculty member mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work.
- 24.00 A single paper copy may be made by a staff member of the university for a faculty member pursuant to the Copying Guidelines, subject to the following safeguards:
- (a) the faculty member advises the staff member that the faculty member requires the copy for the faculty member's personal research, private study, review, criticism or news reporting;
 - (b) the faculty member uses the copy for the faculty member's personal research, private study, review, criticism or news reporting; and
 - (c) where the faculty member uses the paper copy for review, criticism or news reporting, the faculty member mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work.

Electronic Copies

- 25.00 A single copy in electronic form may be made by a faculty member pursuant to the Copying Guidelines, subject to the following safeguards:
- (a) the faculty member requires the copy for the faculty member's personal research, private study, review, criticism or news reporting;
 - (b) where the faculty member uses the electronic copy for review, criticism or news reporting, the faculty member mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work; and
 - (c) the faculty member does not transmit the electronic copy to a third party, except where the transmission is pursuant to the purpose of review, criticism or news reporting.
- 26.00 A single copy in electronic form may be made by a staff member of the university for a faculty member pursuant to the Copying Guidelines, subject to the following safeguards:
- (a) the faculty member advises the staff member that the faculty member requires the copy for the faculty member's personal research, private study, review, criticism or news reporting;
 - (b) the faculty member uses the copy for the faculty member's personal research, private study, review, criticism or news reporting;
 - (c) where the faculty member uses the electronic copy for review, criticism or news reporting, the faculty member mentions:

- (i) the source; and
- (ii) if given in the source, the name of the author of the work.

**** Exceptions**

The fair dealing policy does not restrict any copying that the University of Victoria is permitted to do under arrangements that our institution has with publishers (e.g. library licensed resources) or a transactional permission with the publisher or the publisher's representative, e.g., Access Copyright or the Copyright Clearance Center.

RELATED POLICIES AND DOCUMENTS

Copyright Act

Records Management Policy

Procedures for the Management of University Records

RESPONSIBLE OFFICE

Questions regarding these Guidelines, or applications for copying under section 10 of the Guidelines should be addressed to: UVic Copyright Office – copyrite@uvic.ca